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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN CLEARY,

Plaintiff,

V.

KENNETH KYLER, et al.,

Defendants

[illegible]

Civil Action No. 1:CV-00-2125

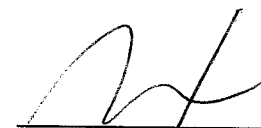
(Judge Caldwell)

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants, Kenneth D. Kyler, et al., by and through their attorney,
Raymond W. Dorian, Assistant Counsel, Pennsylvania Department of Corrections,
hereby move this Court, pursuant to Fed.R.Civ.P. 56, to enter summary judgment
in their favor and against the Plaintiff. A brief in support of this motion, setting
forth the reasons for summary judgment, is being filed this same date by the
Defendants.

WHEREFORE, the Defendants request that the Court grant their Motion for Summary Judgment and enter judgment in favor of the Defendants and against the Plaintiff.

Respectfully submitted,



Raymond W. Dorian
Assistant Counsel
Attorney I.D. No. 48148

PA Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Dated: March 14, 2001

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CLEARY,

Plaintiff,

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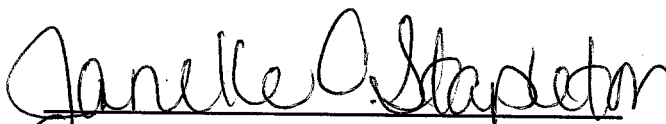
(Judge Caldwell)

CERTIFICATE OF SERVICE

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of the foregoing Defendants' Motion for Summary Judgment upon the person(s) and in the manner indicated below.

Service by first-class mail
addressed as follows:

John Cleary, DF-5779
SCI-Pittsburgh
P.O. Box 99901
Pittsburgh, PA 15233


Janelle C. Stapleton
Clerk Typist 2

PA Department of Corrections
Office of Chief Counsel
55 Utley Drive
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Dated: March 14, 2001